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**Bill Number:** 7001

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**House Pages:** 11222-11246 **25**

**Committee:** None **0**

**Page Total:** **55**

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

**JUNE  
SEPTEMBER  
SPECIAL  
SESSIONS  
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**VOL. 52  
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sir.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President.

Mr. President, there are four items on Senate Agenda Number 1, under Business From the House, four Emergency Certified Bills.

It is our intention today to take up those four bills and then await other business that we hope will be ready by the time we finish these items.

Mr. President, would ask the Clerk to call from Senate Agenda Number 1, under business from House, Emergency Certified House Bill 7001.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calling from Senate Agenda Number 1, Emergency Certified Bill 7001, AN ACT CONCERNING THE RECOMMENDATIONS OF THE PROBATE REDISTRICTING COMMISSION.

The bill is accompanied by emergency certification, signed Donald E. Williams Jr., President Pro Tempore of the Senate; Christopher G. Donovan, Speaker of the House of Representatives.

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THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

Mr. President, I move acceptance of the emergency certified bill in concurrence with the House.

THE CHAIR:

Acting on approval of the bill, sir, would you like to remark further?

SENATOR McDONALD:

Yes, Mr. President.

Just briefly before I yield the floor, I wanted to just let members of this circle know that the work that has been done on this issue has been extraordinary. And the fact is that the probate court system that we modify today is one that has served the State of Connecticut well since colonial times.

And yet, four years ago, Mr. President, approximately four years ago the Judiciary Committee began examining the probate court system because of shortfalls in revenue and the operating expenses of that system.

And as many members of this circle know, that system is one that has been held closely and dearly by

the small towns and large cities of the State of Connecticut.

Our goal was to make the probate court system more effective and yet more efficient, and at the same time we had to acknowledge the extraordinary costs of operating a system that has been in place in essentially the same form for hundreds of years.

Mr. President, I wanted to just briefly say that none of us want to yield the customer service oriented nature of the probate court system, but we, in this circle and in the House, have an obligation to make sure that we deliver those services in a cost-effective, efficient manner. And to undertake this process, Mr. President, two Legislators in particular did an extraordinary job and, I think, merit extraordinary attention to.

And the first one is Representative Bob Godfrey from the House, who worked tirelessly, but second is own Senator Paul Doyle, who has done a tremendous amount of work over months and months on this subject. And frankly, I just wanted to extend to him a personal debt of gratitude because this was no easy task, but it was certainly a necessary one.

Mr. President, I also did want to thank the

members of the probate court assembly for their participation in this process, their professionalism, their diligence and their very, very constructive comments.

And finally, I think we owe a debt of gratitude, as a state, to Judge Paul Knierim, the chief court -- probate court administrator, for his expertise and guidance during this process.

And the fact is that he started his new job responsibilities in an extraordinarily difficult environment, trying to reshape something that has been in place for hundreds of years. And he did it with a lot of intelligence, grace and dignity. And he and his staff are owed a big thank you, as well.

Mr. President, I know members of the House were very involved in this process, but we in this Chamber certainly want to make sure that our constituents are well represented in any legislation. And we could not have had a better guide, if you will, in that process than Senator Doyle, and I would like to yield to him.

THE CHAIR:

Thank you, Senator McDonald.

Senator Doyle, do you accept the yield, sir?

SENATOR DOYLE:

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Yes. Thank you, Mr. President.

THE CHAIR:

Please proceed.

SENATOR DOYLE:

And I want to thank Senator McDonald for his kind remarks.

It's my pleasure to be here today, and I really do think this is an historic day in the state of Connecticut.

You know, the probate court system, most of our citizens-and constituents really don't appreciate the system but a few times in their lives, and it's really some difficult times in their lives, so unlike the superior court systems and, obviously people spend more time there, but the probate court system really is an important part of our constituents' lives.

And today we have quite an accomplishment before us. And I would like to say there really are a lot of people that deserve a lot of thanks. And I think, as I -- as I'll echo a few remarks of Senator McDonald, but Representative Godfrey really did a lot of the legwork as Chairman of the Probate Redistricting Commission. And prior to that, a lot of time was put in by a working group of Legislators, judges and Paul

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-- Judge Knierim's staff -- come together with the bill that we voted on about a month or so ago. And then the work was done by the commission, and we're here today.

And even after the commission's recommendation, it has been changed some. I think it made a good bill better. So today we have a report to present to you where we have 117 courts being merged down to 54. And I really do think it is a good plan.

Now, of course, not everybody in the Senate chamber today is happy. Not everybody in the House was happy last night. But people do realize and recognize what we had to do. We are in very difficult financial times, and I really do think that this bill would not be before us today, but for these very difficult times. I think all of us realized it was time to correct this system. The financial bleeding was really too much for us in the long run. So today, we do have before us a very good plan.

And again, I want to thank my colleagues in the Senate and the House that, you know, it took a lot of sacrifice because there was a lot of people back home that may not be happy with the consolidation. There are some, maybe, judges unhappy, constituents and the



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like, but they look to the best interests of the State of Connecticut and are here today to support it. I'm confident we'll get it out today.

And it's my understanding Governor Rell supports this plan before us today. She does not support anything bigger than this plan, I'll put a little caveat, but this 54 court plan before us today, she supports it.

I think it's a good plan. It will really help shore up the system for another 50 or a hundred years. I do think that one of the main benefits to it is really for our constituents, our own consumers. Where in the past, some of the smaller courts were open limited hours, maybe 15 or 20 hours a week, we now, every constituent of the state of Connecticut, when a need arises, he or she can go to a probate court about 40 hours, 9 to 5, any day, except for holidays, of course, and contact -- have contact with the clerk to get their needs achieved.

Just recently I had an experience where I was working as a private sector lawyer. We were trying to put together a closing, and the other lawyer needed to get a certain document from a probate court. And it was towards the end of the week and he said, well, I

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just can't get it. They're open ten hours a week. So granted, that impacted the closing that some of our citizens wanted.

So again, this new system is going to be great. It's going to be consumer friendly for all our constituents, of course, in these difficult economic times, but maybe more important to the Senators in the room is we will stop the hemorrhaging and try to save the State some money.

So again, I just want to, you know, ask the Senators to support it. And again I do want to thank -- and I really don't think we would be here, but for our new probate court administrator, Paul Knierim. I had the pleasure of getting to know him when I first got elected to the House many years ago, about 14 or 15. We worked on probate issues back then. He came back -- he retired, and now he's come back in another form as our probate court administrator.

I really can't say enough on how he helped shepherd this legislation through. And it truly is an exciting day for the state of Connecticut. I just hope all of us, in a bipartisan fashion, can look at other issues in the future, come together like we did on this bill and improve the state of Connecticut.

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So again, I thank everyone for their work, and I thank everyone for the sacrifice that many of you had to make to get this passed.

So again, thank you, Mr. President.

THE CHAIR:

Thank you, Senator Doyle.

Will you remark further on House Bill 7001? Will you remark further? Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. Good afternoon.

THE CHAIR:

Good afternoon, sir.

SENATOR RORABACK:

Mr. President, I want to thank Senator Doyle, Representative Godfrey and the many other Legislators who recognized that the time had come for our probate system to be overhauled.

Mr. President, I rise because we established the ground rules to a process back in -- I don't know, June, May, whenever we closed up. And I went home to my district and shared with the judges in my district what the ground rules of this process would be. They understood them. They were communicated by Legislators, by staff at the probate administration.

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And we had a process which we, many of us endorsed, myself included, whereby a commission would apply those ground rules to the facts and come up with a proposed solution.

Mr. President, last night when three of the judges in my district watched the proceedings in the House, they were aghast to see that the ground rules which we had set had been roundly ignored. And they had gone away quietly, believing that they had been losers in a process in which the ground rules were clear.

But when they watched last night and saw that the ground rules were not being adhered to, and that we were going from 50 courts to 54 courts and we were no longer requiring each probate district to have a population of 40,000 or more or a weighted workload of 3 thou -- in technical terms, for those of you who may be watching on TV, but a weighted workload of 3,000 or more. They were, understandably, not happy campers.

And the judges that have contacted me are people of integrity, people who play by the rules themselves and people who communicated strongly and convincingly that we ought to take cognizance of the reality of life in northwest Connecticut and create an additional

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court in our area.

Mr. President, I'd like any member of the circle to raise their hand if they've ever been to Hartland.

I'm glad Senator Witkos has been, because it's in his district. But I'm surprised that nobody else in the circle has been to Hartland because you really have to make an effort to get there.

And our Lieutenant Governor, Hartland is one of his favorite communities, near and dear.

The reason I ask the question, who's been to Hartland, is because Hartland is a long way from anywhere. And the current plan requires the good citizens of Hartland, who are ably represented by Senator Witkos, to schlep to Torrington, Connecticut to have their probate district done.

A distance of more than 25 miles -- well, the distance doesn't change no matter what the weather, but in the weather conditions it can take you a long, long time.

Mr. President, I'm asking the indulgence of this Chamber to demonstrate that because we haven't adhered to the ground rules, that it would be appropriate to create one additional district in our probate system, which is the amalgamation of two current districts,

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the district of New Hartford and the district of  
Winchester.

And to that end, the Clerk has an amendment which  
is LCO Number 9880. If the Clerk could please call  
the amendment and if I may be permitted to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 9880, which will be designated Senate  
Amendment Schedule "A." It's offered by Senator  
Roraback of the 30th District and Senator Witkos of  
the 8th District.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

I move adoption.

THE CHAIR:

The motion is on adoption. Without objection,  
please proceed, sir.

SENATOR RORABACK:

Thank you, Mr. President.

What this amendment simply does is to add one  
additional court to the plan, to go from 54 courts to

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55 courts. It would result in a district comprised of Torrington and Goshen, which is the current district, which has approximately 38,000 people. And then a second district comprised of Winsted, New Hartford, Hartland, Barkhamsted and Colebrook, which is the amalgamation of two current courts, the Winsted court and the New Hartford Court.

Mr. President, if you look at the map, it's not fair to ask the people of Hartland and Colebrook to make their way to Torrington. And given that we found it in our collective wisdom to go from 50 courts to 54, I would ask that members of the circle join me and Senator Witkos in creating a 55th court.

And I'd ask that when the vote is taken, it be taken by roll.

THE CHAIR:

Thank you, sir.

Sir, a roll call vote will be ordered.

Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

I do appreciate the intent on the amendment, and I think many other members of the Senate might consider calling their own amendment also, because not

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everyone is certainly happy with this proposal. I can look at Senator Daily, probably would -- she's had a tough time. A lot of our districts -- people -- a lot of the consolidations are tough on a lot of us. And I do respect the supporters of this, the proposers of the amendment.

However, a lot of effort went into this 40 -- 54 district map. And while I do recognize the concerns of your judges and the Senators before us, this is a negotiated settlement that -- I'll be honest and the truth is after numerous discussions and negotiations, the Governor said 54 is it. If this amendment were to pass, this would be vetoed. That's what I was told. Now, that being said, of course I can't guarantee that, but I was told that, and I believe it was told directly to Representative Godfrey, that 54 was it.

But to kind of allay the concerns of Senator Roraback, I think a proposed solution for him is, yes, his court, his system, his district, you know, you maybe for Hartland it may be far from Torrington, but once they, you know, assuming this bill, the Senate decides to approve it today, the leaders of the seven towns could -- are going to come together. And at this point you can't assume it's Torrington. I mean,



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there's an intention, but all the towns that have to come together. There's a process to select a location, but even assuming the Senator is correct, it is Torrington, after that that the judge could be, after consultation with the local, he could have office hours on a weekly basis in other towns. So therefore, have the judge go to the other end of the district, go to Hartland, you know, one day a week to get -- to be more convenient for the consumers.

So there is a means to achieve this concern. And

I do -- and I do feel for Senator Roraback and his judges, but the truth is, you know, to achieve the savings, we have to limit the number. And I know it may seem random, 54, 55, but we are here today. This is a negotiated agreement by many parties. And I think it's a good plan, but I do think the solution really is that -- and I'm sure the probate court administrator will work with you, Senator Roraback, to ensure that we could have some hours in some of the, you know, in Hartland and Colebrook to make your constituents -- be much more convenient for them.

So again, I urge my colleagues to oppose the amendment, you know, to support the terms of this map so we can move forward and improve our system.

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Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate "A?"

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

Mr. President, just briefly, I rise in opposition to the amendment. And I do so only for the purpose of letting Senator Roraback know that, at least from my perspective as Chair of the Judiciary Committee, this is not the end of the reforms that we intend to look at with respect to the probate court system and the court system overall.

And to address Senator Roraback's concerns, we need to do a better job in this state of making more information available over the Internet, allowing more forums to be downloaded from the Internet so that people actually might not need to travel to courts in the first place for many of the ordinary activities of that court. Ultimately, it is our goal to have more business done through the mail, and ultimately, through secure electronic transmissions, all of which is going to take time.

Certainly, the first order of business was reducing the number of courts by more than half, but the second part of that process will begin next year as we begin looking at how to make the probate court system, as it is reconfigured under this legislation, a more responsive court system for the people it serves.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator McDonald.

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President.

Mr. President, I'm a strong supporter of this bill and very happy to see the legislation include the requirement that future probate judges be attorneys.

But I want to mention the efforts of the former chief state's administrator for the probate system, Judge Lawlor. This was a dream of his. I hope he's watching this. He certainly deserves a lot of credit for having initiated this thinking about reform. And I'm absolutely positive that he's very pleased with the final results.

Thank you.

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THE CHAIR:

Thank you, ma'am.

Will you remark further on Senate Amendment "A?"

Will you remark further?

If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all members voted? If all members have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

The motion is on adoption Senate Amendment Schedule "A."

Total number voting	35
Those voting Yea	11
Those voting Nay	24
Those absent and not voting	1

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The amendment fails.

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

Mr. President, as one who has consistently opposed the probate court reform package as a matter of policy, I've said many times, I think our probate court system was better than this new system will be. I understand the need to save money.

I don't intend to endorse this plan simply because I don't support the shrinkage of our probate court system. I did want to rise, however, to commend the members of the commission and to thank, especially the two members of the commission who I had appointed, Judge Dan Caruso, the Fairfield probate court judge, and Judge David Hopper, the Greenwich probate court judge.

The reality is that the task they were given was very difficult. The end result at 54 is much better than it would have been at 50. And I think that when you look at what they were forced to do, they ended up coming up with the best plan they could have done under the circumstances.

So I don't agree with reducing it to 54, but I

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think the commission fulfilled its obligations very well. And so for that I'd at least like to rise and commend them.

Thank you.

THE CHAIR:

Thank you, Senator McKinney.

Will you remark further?

Senator Daily.

SENATOR DAILY:

Thank you, Mr. President.

THE CHAIR:

And you're welcome, you're welcome, you're welcome.

SENATOR DAILY:

I had thought it would have been a Democratic amendment that would have drawn a veto.

I have long opposed consolidation, forced consolidation of the probate courts. Judge Knierim's father had worked on this, Judge Killian wanted to do this, but my constituents are better served by the court system we have in place right now.

I want to commend and thank Representative Godfrey, former Representative Christ and all the other members of the commission that have worked so

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hard on this and have made every effort to be as fair as can be.

The problem I have with what the end result is, is similar to Senator Roraback's problem. Colchester to Willimantic is a 45 minute ride on bad roads. We could have been somewhere else, and people would have been much better served. We will continue to try to serve the people of Colchester.

Judge Knierim has offered to try to put a satellite office in Colchester so that my constituents won't have to have that drive all the way to Willimantic for their service. And I think if we can improve things the way Senator McDonald was talking about, downloading forms and all, that would be very helpful.

But I'll just tell you very briefly, my husband went to our probate office this summer to get his passport. And he didn't know about these years of struggle or anything, and he came home, and he said to me, you know, if they close that court, people are really going to miss it. I wouldn't have known that I needed a second form if there weren't somebody there to tell me.

Again, I thank the commission that has worked so

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hard. I understand the task they were given and it's very difficult.

Thank you.

THE CHAIR:

Thank you, ma'am.

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

If I may, I have a question -- couple questions to the proponent of the bill.

THE CHAIR:

Senator Doyle.

SENATOR WITKOS:

Thank you.

Through you, Mr. President, last evening I was watching the debate in the House, and there were some comments which kind of alluded to Senator Roraback bringing up the amendment earlier because of location and the travel distance to courts. And the debate went on saying that a town can hold a satellite office if the local municipalities believe that's necessary with concurrence of the probate court administrator.

And through you, Mr. President, is there anything in this language that either enables that to happen or



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prohibits that from happening?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President, in this particular bill there's nothing specific to that effect in terms of prohibiting it or not. But the terms of the earlier bill we passed really gives the authority to the member towns. You would save each district -- who would come together, determine where the court will be located.

You know, if it comes to, it may -- whether -- we hope not, but in theory, it could come to a vote of the different communities to achieve the home base, which I would think the location of the court is positive and negative for some because you're going to, in theory, you're going to use up some of your town hall space, so you have to have sufficient space for it.

So I wouldn't think every town has that, but again it's -- that will be decided by the leaders of each community, and it would have to go to, maybe, to the local legislative body if it were to get contested.

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But they will work in conjunction with our chief court administrator to -- probate court administrator to work -- to locate the home base, the home of the court and also other issues which will come up, which I do know there has been talk in other divisions and -- where the probate court administrator has already written stating that he is willing to work and try to ensure that there will be satellite offices of the probate court in districts that are a little far-flung.

Through you, Mr. President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

Through you, Mr. President, so who would be voting on whether or not a satellite office is contained within the boundaries of a specific town? And I'll take the Northwest Corner, for example, as one of the probate court districts. There was talk during the process that a court may be located in the town of Litchfield with a satellite office in the town of North Canaan. Who would be making those decisions as to where they're located?

I said -- I heard the Senators speak that it would be a local decision. Would that be local as in the town managers or the chief administrative officers of the town or the legislative body of those communities?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President, the question is at what level? If it became antagonistic and it came to a situation where they couldn't, you know, the idea is they sit down. All the leaders of the communities, the mayors and first selectman sit down with the judges to try to work it out. If it became contested that they could not achieve a voluntary plan to have like, for instance, a satellite office in North Canaan, then it would have to -- I go -- believe, go to the local vote of the legislative bodies.

But I mean, we don't anticipate that happening very much. We're hoping that everyone will sit down, work together with the supervision of the probate court administrator, which will kind of be the arbiter to try to pull all the communities together to come up

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to a consensus, which, you know, again I'd like to point out there is some financial issues here. So they -- it could be worked out amongst the town. If one town where to host even the satellite office, that person might not have to pay rent to the others or something. So there's a sharing of expenses.

So I think there's enough carrots here for the communities to work together to achieve a comprehensive plan in each district.

Through you, Mr. President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

I thank Senator Doyle for its answers.

I stand in strong support of this legislation here before us today.

Several years ago, I served on the Program Review and Investigation Committee, and we did an analysis of the probate court system at that time. And I was not a supporter of merging and consolidating the probate court system. I felt that each town that had their own should remain that way if they so desire.

However, over these past few years, in the Legislature

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we seen the towns voluntarily move towards consolidation. And that was a good thing, and I think the writing was on wall. And I think, and I believe earnestly that it took the probate court administrator, Judge Paul Knierim's leadership and ability to bring this to fruition so that can happen.

My only hope is that this piece of legislation was reached bipartisanly, and everybody both down in the House and the Senate, spoke about the financial impact it will have on our state, the means of producing a better system by consolidating that system. I hope we can have this debate on our own state government some day where we realize the cost of our state government. Look at what we're passing today. Let's use this as the model for ourselves in our future deliberations as how we can make Connecticut a better, more efficient, affordable government.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on House Bill 7001? Will you remark further?

Senator Williams.

SENATOR WILLIAMS:

Thank you, Mr. President.

I rise to support the bill, to thank Senator McDonald, and to thank Senator Doyle for his hard work on this and leadership along with Representative Godfrey and our colleagues in the House.

This has not been easy. I remember when I was Chairman of the Judiciary Committee in the late 1990s, folks were beginning to push in this direction in earnest and telling us then that in order to preserve our probate court system, it would have to change, that it was financially imperiled -- it would not be able to stand as time went forward -- and that, again, if we were to preserve that system we had to look for consolidation. We had to look for ways that towns could come together, regionalize and preserve the probate court system.

So to go from a system that had 117 courts down to 54 has been a relatively amazing feat. And as we think about our probate court system that dates back to the origins of the State of Connecticut, I think we can understand that it's rare that we actually make history when we vote on a bill in this circle, as important as all the bills are that we vote on. But

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it can be honestly be said that today, when we take this vote, we will make history in terms of the probate court system and this dramatic but necessary change in order to preserve that system.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark? Will you remark further on House Bill 7001? Will you remark further?

If not, Mr. Clerk, please call for a roll call vote. The machine will be opened.

THE CLERK:

Immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on passage of Emergency Certified Bill 7001.

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Total number voting	35
Those voting Yea	33
Those voting Nay	2
Those absent and not voting	1

THE CHAIR:

The bill passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, would move for immediate transmittal of House Bill -- Emergency Certified House Bill 7001 to the Governor.

THE CHAIR:

There's a motion on the floor for immediate transmittal of House Bill 7001. Without objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President.

Mr. President, continuing with today's business from Senate Agenda Number 1. Would ask the Clerk to call next, Emergency Certified House Bill 7002.

THE CHAIR:

Mr. Clerk.



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THE CLERK:

House Bill 7001, AN ACT CONCERNING THE  
RECOMMENDATIONS OF THE PROBATE REDISTRICTING  
COMMISSION, introduced by Representative Donovan and  
Senator Williams.

SPEAKER DONOVAN:

Representative Robert Godfrey of Danbury.

Good evening, sir.

REP. GODFREY (110th):

Good evening, Mr. Speaker.

I move passage of the Emergency Certified Bill.

(Deputy Speaker McCluskey in the Chair.)

DEPUTY SPEAKER McCLUSKEY:

Question before the Chamber is acceptance and  
passage of the Emergency Certified Bill. Will you  
remark, sir?

REP. GODFREY (110th):

Thank you, sir.

We had chinese for dinner and it was very  
interesting. I opened my fortune cookie and I -- this  
is absolutely what my fortune read, "Consolidate  
rather than expand business projects in the near

future," so help me out here.

As you may recall back in the regular session, a thousand years ago, we did very extensive probate reform bill. It does a lot of very good things. It keeps the probate system user-friendly, accessible, makes sure that all the good things that are about that court system, that has been in effect since colonial days, continues on and at the same time dealt with their anticipated bankruptcy. If we hadn't actually helped them out, they'd be going bankrupt sometime next week, and, a part of that, as you will recall, dealt with a consolidation of the 117 districts into a smaller number, mostly in order to save money.

We required a series of steps, all of which have been met. First of all, we required the Probate Assembly, which is the association of all of the probate judges to create a plan using statutory provisions we handed them. There had to be between 44 and 50 courts, with either a minimum population of 40,000 or a weighted workload of 3,000 cases a year, tempered by geographic accessibility, availability of municipal court facilities, and communities of interest among the towns in the districts. We

couldn't split a town.

And we certainly moved forward and so did the Probate Assembly. And back in June, the probate judges came up with such a plan. And I, especially, want to reach out and thank Fred Anthony, who's the probate judge from Shelton and the president of the Probate Assembly. We gave them a task no one would ask anybody to do except when it comes to government. We just asked the judges to cut them -- cut their numbers in half plus.

Talk about some -- some, just great civic responsibility. Judge Anthony is here tonight, and I want to thank him personally and in public for making sure that that job got done. It was a splendid job.

And, of course, they reported that plan to a Probate Districting Commission, which we also created in that -- in that bill. And I want to name the 12 -- the 13 members of the Probate Commission, and I want to get it right so I'm going to read it, because there was such a delight to work with these people.

Governor Rell appointed Brian Austin, who you may know as the undersecretary for Criminal Justice at the Office of Policy and Management, and Anne Follacchio of Farmington.

The President of the Senate appointed Judge Sydney Elkin from the West Hartford Probate District, and Judge Kathleen Murphy from the Thompson Probate District.

Speaker Donovan appointed myself and Mike Christ -- who you all know -- counsel to the Speaker, a former member of the House of Representatives.

Senator McKinney appointed Dan Caruso. Some of you may have been here long enough to remember when Dan was a member of the House of Representatives. He's currently the probate judge in Fairfield. Senator McKinney also appointed David Hopper, who is the probate judge in Greenwich.

Representative Cafero, I want to thank you especially, for sending us Marilyn Giuiliano, just a delight to work with, and, also, he appointed Fred Anthony, the president of the Probate Assembly to the commission.

Senator Looney, the Senate Majority Leader, appointed Fred Leaf, an attorney from Branford. And Representative Merrill, the House Majority Leader, appointed Bob Frankel, who you all know, a former member of the House, former majority leader, an attorney of some standing and knowledgable from

Fairfield Country. And, of course, the last member, the Honorable Paul Knierim, also a former member of the House of Representatives, the probate court administrator and currently the Simsbury probate judge -- dedicated people.

We had four meetings and a public hearing. Three of the meetings were daylong events. The public hearing was a daylong event. Every one of those members were there for every one of the meetings, all of the public hearing. They paid attention. They were extremely thoughtful. They were very careful. They understood the charge that this General Assembly had given them, and they met it.

I want to recognize them for the terrific job, for the responsibility of taking it on and getting the job done. This wasn't easy. I'm sure you can imagine. Doing this job was very difficult. A lot of people were interested but the commission succeeded.

And, on August 20th, we did have the statutorily required public hearing. It lasted all day. We had over 60, 65 people or so, who testified, extremely informative. Very well attended by many -- many people, especially, local officials, people from the communities who made, in many cases, very persuasive

arguments for changes under the statutory criteria to the plan that had been put forth by the Probate Assembly.

Consequently, the commission had three daylong meetings to come up with a plan to meet the statutory criteria and be delivered to the House and Senate clerks and the Governor's office by September 15th. We did that, too. I had e-mailed you all, about a week or so ago, the complete -- the address to be able to go on the Probate Commission's website to take a look directly at that report. I'm sorry I could not have actually emailed you a copy of it individually. The file was so large our system couldn't handle it and neither could the Department of Information Technology, which is why we provided the URL instead.

And what did we say in that report, well, yes, we did meet the 50 court criteria. We did use all the criteria that were in the statute, but we came up with some additional recommendations. Specifically, taking into account all of those criteria that were given to us, we acknowledged right off the bat that the spirit of the law would be better served with a 53-court as opposed to a 50-court plan.

We discussed at length three areas of the state:

Greater Norwalk, the Farmington Valley, and Mideastern Connecticut. And subsequent to the delivery of that, a lot of discussion involving a lot of you, what -- was going on. First understand, all three of these additions came out of testimony at the public hearing, all of them. Again, if you go on the Probate Assembly website -- the Probate Commission's website, you can actually get a synopsis of who said what about the plan, and you can see that the changes that have been suggested and are now in the leg -- what we're calling the legislative plan, all stem from that. These three stem from that. And, indeed, the commission was aware of that at its last meeting, and, in essence, endorsed a 53-court plan.

Subsequently, additional information came in dealing with some issues of accessibility, geographic accessibility, up in Northeastern Connecticut and a decision was made by Legislators, who were working on this that it would be, again, better in the spirit of the law to create -- to divide a very large geographic court into two. And -- so we came to a 54-court plan. That's what's in this bill before you tonight.

A couple of other provisions in there, not math related, that I just want to call to your attention.



We came to the realization as we were doing this, the Commission did, that the existing statutes regarding appeals from probate courts to the superior court were inadequate to take care of the consolidated courts. In essence, the law, as it stands today before we make these changes, says you take your appeal to the court -- the superior court in which your town lies. While, we have now got districts, some of which overlap superior court district boundaries, so the appellant, in essence, will have the choice of which superior court to go to and make his appeal. So that's -- that's in here.

Lastly, we couldn't decide what to name these districts because it's not our job. It wasn't the Commission's job. It's not the Legislature's job, for example, to decide to where the courts are going to be. That's left to the member towns working with a probate administrator to be able to -- to deal with. It's something that's going happen in the future so we empowered the probate administrator to work with us, Legislators, to work with local officials, to come up with some names, hopefully, in time for the election cycle that will begin next spring. That's why that rather unique provision is in there.

We've had the map around all day. I know it's very hard to explain all of this without referring to a map. So I had just emailed you all a PDF version of the map so you might want to take a look at that. But that's our recommendation. We have tried to include as many of you, as many of the Senators -- and the Governor and I have even had a phone conversation regarding this.

I'm very optimistic that we can continue the user friendliness of the probate system while saving taxpayers and users millions and millions of dollars a year. I think that the spirit of the law that we passed in May is exemplified in this bill here tonight, and I urge you all to join me in support of passing House Bill 7001. Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks. And thank you, sir, for your work on the commission.

Will you remark further on the Emergency Certified Bill?

The distinguished gentleman from Hamden, Representative Sharkey, you have the floor, sir.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

Mr. Speaker, I, too, would like to rise in both support of the bill and also to commend Representative Godfrey and the staff, and other members of the commission who have worked so hard on this bill.

I feel a need to rise, in particular, because this -- for those of you who are relatively new to the Chamber, this is an issue that we have dealt with here in this Chamber for many, many years. And it has not always been as a consensus item, as it may appear to be tonight. Back in 2005, the Program Review and Investigations Committee, which is a committee that I cochaired, and as a bipartisan committee, made up equally of Democrats and Republicans, as well as members of House and Senate, took on a study, a very contentious study of the probate court system. And the study found a lot of the inefficiencies and irregularities of the probate court system, but it also found that some -- that much of the system was also in very good shape and was doing good work throughout the state.

There was a lot of contentiousness at that time also with regard to the relative workloads of small courts versus large city courts. How much those small courts were taking up in terms of costs for our

taxpayers. And, in the end, that study recommended certain changes to the probate court system: Including regular hours; including certain qualification requirements for judges, who sit as probate judges in our towns, but left to a future date further discussion about consolidation. It was just simply too contentious. It really caused a lot of anxiety throughout the state about what we should be doing about probate courts, what should the role of probate courts be in our state.

And that's why tonight's work in the bill that we'll be taking up tonight is, I think, so tremendous because under Representative Godfrey's leadership, much of that contentiousness has actually been dissipated through a cooperative process that incorporated input from all interested stakeholders to come up with a common sense approach to how we should be approaching this problem.

In the end, it was the -- the probate court system, as we have it, is inefficient. It does need to be changed. We do have to have a consolidation. I think most folks recognized that, even back in 2005, but the issues that had to be addressed were so sensitive that it really took a commission under the

leadership of folks, like Representative Godfrey and the others who worked on this, to bring this about in the way that it has happened.

I'm also positive about this bill because I think it's a template for what we can be looking to do in the future with regard to regionalism. I think it's one of those issues that can be very contentious when one focuses on the individual needs and interests of your own community and what you want to see, but to some degree, those interests get trumped in the end by the cost. The inefficiencies that we have in our local government system, in many ways, are difficult to sustain, and I think the property taxpayers around the state are telling us that. And that is why, I think, we've been so successful in moving forward slowly, gradually, on this issue, trying to regionalize services to help reduce costs and reduce our reliance on the property tax.

The way this was done. The way the probate court system consolidation was carried out by all of those who were involved in it, I think, serves as a template for what we, as a General Assembly, can accomplish on other issues involving regionalism to help out the taxpayers of our state. So, for all those reasons, I

commend the work of the commission and, in particular, Representative Godfrey, and I urge my colleagues to support this bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further?

Your honorable lady from Old Saybrook, Representative Giuliano, you have the floor, madam.

REP. GIULIANO (23rd):

Thank you very much, Mr. Speaker.

Mr. Speaker, I stand in strong support of Emergency Certified House Bill 7001. I enjoyed my service on the Probate Redistricting Committee, but there are a number of very important factors that members of the Chamber should consider as we vote to support this bill.

When you talk about dismantling a system that had been 117 individual courts and you think back to the colonial times referenced by Representative Godfrey, my good colleague on that commission -- when you think of those historic relationships, what we attempted to do was to take all of these many districts and honor those historic relationships to pay attention to

geographic proximity, transportation connectivity, demographic similarity and congruence and to embrace the many suggestions that came to us in a course of a very full day of robust testimony from people from all -- many of the towns in the state of Connecticut who understand the usefulness and mission of the probate court.

The bill that we have before us this evening attempts to honor all of that. It also stems what has become a \$20,000-a-day financial drain on the probate system. You know, most people intersect with the probate court at times of great personal challenge and change and oftentimes distress. And I have to commend the Commission, the Probate Assembly, who gave us a road map to follow in crafting this bill because the resulting bill attempts to do this fairly and humanely.

And I urge the Chamber's support. Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, madam, for your remarks.

Will you remark further?

The honorable gentlemen from the 63rd District, Representative Rigby, you have the floor, sir.

REP. RIGBY (63rd):

Thank you. Good evening, Mr. Speaker.

Through you, a couple questions for the proponent of the bill.

DEPUTY SPEAKER McCLUSKEY:

Please proceed, sir.

REP. RIGBY (63rd):

Thank you, Mr. Speaker.

Through you, when I look at the map and I look at my seven towns that comprise the 63rd, there's essentially two districts being created out of those towns, and the main district has upwards of 60,000 residents. Through you, is it a concern that one probate court might not be able handle that many residents and that many cases. I know the ideal was 50,000. Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative Godfrey.

REP. GODFREY (110th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker. In short, no. There are some courts on this maps that service three -- over 150,000 people. Our concern was keeping it above the bottom limit of 40,000 because the courts are



large enough to be able to handle it. Remember the workload isn't changing, just the numbers of judges and the number of districts. There will still be staff, clerks, who -- actually under the law we passed in May -- will be full-time. Courts will have to be open 40 hours a week, which is a first for the State of Connecticut. And, in addition, judges have to work at least a minimum of 20 hours in order to qualify for the benefits that any other state employee would. So they have to be, in essence, a full-time employee to be able to -- to be able to handle that. We looked at the workload, the caseload, and it was interesting. No one said some -- a particular court would be too busy or too big.

So I'm confident in saying the court, the judge, the clerk will be able to handle that so that you constituents will have that user friendliness, will have that -- actually, an enhanced accessibility to the court. It will be open much more convenient hours. And remember all of the judges now don't necessarily make you come to their courtroom. If it's a matter of a conservatorship for someone in a nursing home, the judge goes to the nursing home. If you're in a district where there's a psychiatric hospital,

they go to the psychiatric hospital. These are elected officials, very compassionate individuals who understand that their job isn't like a superior court or even an appellate court judge. It's -- it's -- they've got to maintain that user friendliness. This is, indeed, it's why we rejected the idea of merging the probate courts into the superior court system.

So I'm very comfortable in being able to say that the court under this plan will be able to handle the workload in any one of these districts.

Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you. Thank you, Mr. Speaker.

Through you, the seven towns that comprise my -- the probate district outlined on this map. There's essentially two towns that could support a court and have the capability to do so both in facility and potential staffing. If we were to get into a situation where each town wanted to host a probate court, what would be the process using the selectmen, the elected officials, and the current probate judges to decide where that court would go? Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative Godfrey.

REP. GODFREY (110th):

Under current law, multitown districts -- recall that the overhead for the courts, the courtrooms, are paid for by municipalities. That's not changing. So the current law where it says there's a multitown district, the municipalities need to get together with the help and guidance of the probate administrator to decide where the court is going to be. And there's enough flexibility, if they wish, there actually could be more than one.

We've already had a number of people who have talked to Marilyn and I and other people on the commission. Well, in your part of the state, especially, these are very large geographic areas to come up with a 40,000 population base in many cases. There's a very strong likelihood -- in fact, we talked openly in the -- in the yellow district up there that there'd probably be a courthouse in Litchfield and one in North Canaan. I'm sure that's going to repeat itself in other places, but that's going to be left to local discretion, not to the commission, not to the General Assembly, not to the probate administrator.

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HOUSE OF REPRESENTATIVES

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September 23, 2009

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you. Through you, Mr. Speaker, just so I'm clear, so if we -- if there was a requirement to establish two courts within the seven-town district, that could be done by a local -- with a local process, local decision-making with the commission's approval? Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative Godfrey.

REP. GODFREY (110th):

No, it's easier than that. The towns need to get together and decide how many courts they want to support and where they were going to be, working with the probate administrator, and, of course, there's still the check and balance on all of this -- on the probate administrator's budget. They don't have a blank check from us. Nobody does. That's a good thing. So it's all going to have to be done within available appropriations. We've all heard that phrase certainly around this place before. So it's not a carte blanche by any means. It has to be rooted in

some common sense with some feet on the ground kind of decisions, but it is, in essence, the municipalities' decisions, not ours.

DEPUTY SPEAKER McCLUSKEY:

Representative Rigby.

REP. RIGBY (63rd):

I'd like to thank Representative Godfrey for all his hard work and the Commission's work. I know it's a monumental task to organize these courts. Thank you very much for the answers to my questions. Good night.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further?

The honorable gentleman from New Canaan, Representative Hetherington, you have the floor, sir.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

I rise in strong support of Emergency Certified Bill 7001. I particularly thank Representative Godfrey as chairman, and Representative Giuliano, and others who worked on this commission and undertook the work of moving the weight of several hundred years of tradition and history to reform the districts in our

probate system. And I'm particularly appreciative of Representative Godfrey's openness on this matter.

I'm very pleased to see the towns that I represent, New Canaan and the town of Darien are together in one district, rather than spread into several noncontiguous areas so I applaud the leadership and the members of the Commission, and I urge support for this bill. Thank you.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further?

The honorable gentlemen from Cromwell Representative O'Rourke, you have the floor, sir.

REP. O'ROURKE (32nd):

Thank you, Mr. Speaker.

I wanted to take just a moment tonight to congratulate and thank Representative Godfrey and all the members of the commission on their great work. I was someone who didn't actually vote for this bill, when it came before us, out of concern about where the process was going. And, having said that, I want to just rave about how open the process was, how responsible, responsive, and, I think, thoughtful all of the commissioners were in giving their time to

people that represent communities from across the state. And, certainly, the community that I represent was most concerned about this, the town of Portland. We've always enjoyed a single town, small town, very accessible probate district. That's generally always worked well and been accessible to the people of our town. You know, going to a much larger district, not knowing where it was going to be, was a great concern to us, but I will say that this process yielded an excellent result. We're very happy with it. Joining with other small towns on the eastern side of the Connecticut River, East Hampton, Marlborough, and East Hampton that share a similar small-town flavor.

We expect our court to be centrally located in East Hampton, which is right next door to all the other three towns, and I think the people are going to be very well served by this court and have been well served by this Commission, and I urge passage of this bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark?

The gentlelady from Plainville, Representative

Boukus, you have the floor, madam.

REP. BOUKUS (22nd):

Thank you, Mr. Speaker.

I'm not going to belabor the point. It's so wonderful to stand here and have cooperation from both sides on this particular project. It was done very, very well. I also want to say that CT-N covered it so many of our constituents were able to watch the process as it went along, and I think it made a great deal of difference. So I just want to thank Representative Giuliano and Representative Godfrey for our open door policies and making sure that this is something that we can back and feel good about it. Thank you so much.

DEPUTY SPEAKER McCLUSKEY:

Thank you, madam, for your remarks.

Will you remark further on the Emergency Certified Bill? Will you remark further?

Representative Godfrey.

REP. GODFREY (110th):

I'm not quite sure whether to blush or what, but I really do appreciate, obviously, the approbation of my peers in a very real sense, and I want to thank you for all the kind words that you said.



This -- this was like herding cats, but I'll tell you I haven't had this much fun in a long time, at least in this building so I relished the job. I'm appreciative of having been given it.

I want to thank a few more people before we close here tonight. I already thanked Judge Knierim about his crackerjack staff, worked very hard on this. Vin Russo and Pat Tarkus, I want to thank them for the very long hours in dealing with 12 or 13 prickly people. And then, of course, from our own Legislative Commissioners' Office, Louise Nadeau and Allison McKeen, who did a tremendous job of taking our map and turning it into the bill that you have before you.

It is a very collaborative and, I hope, very pragmatic product that we came up with, and I do urge you all to support the bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further?

If not, will staff and guests please come to the well of the House. Will the members please take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

DEPUTY SPEAKER McCLUSKEY:

Have all the members voted? Have all the members voted? Will the members please check the board to determine whether your vote has been properly cast. If all the members have voted, the machine will be locked.

Will the Clerk please take and announce the tally. Will the Clerk please announce the tally.

THE CLERK:

House Bill 7001.

Total Number Voting 141

Necessary for adoption 71

Those voting Yea 134

Those voting Nay 7

Those absent and not voting 10

DEPUTY SPEAKER McCLUSKEY:

The bill passes.

THE CLERK:

Will the Chamber please stand at ease.

(Chamber at ease.)